

NTSB Order No. EA-4958

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 27th day of February, 2002

Respondent .

7386A

petition a constitutional challenge to the Administrator's authority to use a criminal conviction to support a certificate revocation, it is answer enough to note that the Board can not entertain such arguments. See, e.g., Administrator v. Lloyd, 1 NTSB 1826, 1828 (1972) (Board has no authority to review constitutionality of FAA regulations).

With regard to the stay request, respondent's motion for such relief does not identify any reason why the Board should not follow here longstanding precedent to the effect that a stay pending judicial review is not available in a revocation action. See Administrator v. Balestra, 7 NTSB 33 (1990), aff'd 923 F.2d 120 (8th Cir. 1991).

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's petition for reconsideration and his motion for stay are denied.

BLAKEY, Chairman, CARMODY, Vice Chairman, and HAMMERSCHMIDT, GOGLIA, and BLACK, Members of the Board, concurred in the above order.